

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1232

Citations Affected: IC 5-2; IC 5-26.5; IC 31-9; IC 31-14; IC 31-15; IC 31-17; IC 31-34; IC 31-37; IC 33-5; IC 33-17; IC 33-19; IC 34-6; IC 34-26; IC 34-30; IC 35-33; IC 35-38; IC 35-41; IC 35-42; IC 35-45; IC 35-46; noncode.

Synopsis: Restructuring of protective orders. Restricts the issuance of protective orders to cases of domestic or family violence, stalking, or sex offenses. Allows a workplace violence restraining order to be issued for the protection of an employee. Provides that a law enforcement officer responding to the scene of a crime involving domestic or family violence may confiscate firearms, ammunition, and deadly weapons. Removes the requirement that an address confidentiality program participant live in Indiana. Allows an emancipated minor to participate in the program. Provides that victims of sexual assault and stalking may participate in the program. Allows participants who obtain a name change to continue participating in the program but requires the participants to provide documentation of the name change to the office of the attorney general. Prohibits the disclosure other than by the office of attorney general of a participant's identifying information to a law enforcement officer. Repeals provisions relating to renewal of program participation following termination of a protective order. Repeals a requirement that a program participant provide a copy of a renewed protective order to continue program participation. Repeals a requirement that the office of attorney general revoke the certification of a program participant who obtains a name change. Repeals certain provisions concerning protective orders. (This conference committee report reinstates existing law which provides that the name, address, telephone number, and other identifying information of a participant in the address confidentiality program is confidential and may not be released by a county voter registration office, except: (1) to a law enforcement agency, upon request; or (2) as directed by a court order. Establishes a new Class D felony for the reckless supervision of a child by a child care worker that results in the death of a child. Provides that the confiscation of firearms, ammunition, and deadly weapons may occur only if certain criteria are satisfied. Removes requirement that a law enforcement officer who confiscates firearms, ammunition, or deadly weapons, shall provide the owner with information on the process for retaking possession of each item removed.)

Effective: July 1, 2002.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1232 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 41.
- 3 Page 44, delete lines 33 through 34.
- 4 Page 44, line 35, delete "(2)" and insert "(1)".
- 5 Page 44, line 38, delete "(3)" and insert "(2)".
- 6 Page 44, line 40, delete "(4)" and insert "(3)".
- 7 Page 45, line 15, after "shall" delete ":",
- 8 Page 45, delete lines 16 through 18.
- 9 Page 45, line 19, delete "(2)".
- 10 Page 45, run in lines 15 and 19.
- 11 Page 49, between lines 36 and 37, begin a new paragraph and insert:
- 12 "SECTION 66. IC 35-42-1-4 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) **As used in this**
- 14 **section, "child care provider" means a person who provides child**
- 15 **care in or on behalf of:**
- 16 (1) **a child care center (as defined in IC 12-7-2-28.4); or**
- 17 (2) **a child care home (as defined in IC 12-7-2-28.6);**
- 18 **regardless of whether the child care center or child care home is**
- 19 **licensed.**
- 20 (b) **As used in this section, "fetus" means a fetus that has attained**
- 21 **viability (as defined in IC 16-18-2-365).**
- 22 ~~(b)~~ (c) **A person who kills another human being while committing or**

- 1 attempting to commit:
- 2 (1) a Class C or Class D felony that inherently poses a risk of
- 3 serious bodily injury;
- 4 (2) a Class A misdemeanor that inherently poses a risk of serious
- 5 bodily injury; or
- 6 (3) battery;
- 7 commits involuntary manslaughter, a Class C felony. However, if the
- 8 killing results from the operation of a vehicle, the offense is a Class D
- 9 felony.
- 10 ~~(c)~~ **(d)** A person who kills a fetus while committing or attempting to
- 11 commit:
- 12 (1) a Class C or Class D felony that inherently poses a risk of
- 13 serious bodily injury;
- 14 (2) a Class A misdemeanor that inherently poses a risk of serious
- 15 bodily injury; or
- 16 (3) battery;
- 17 commits involuntary manslaughter, a Class C felony. However, if the
- 18 killing results from the operation of a vehicle, the offense is a Class D
- 19 felony.
- 20 **(e) If:**
- 21 **(1) a child care provider recklessly supervises a child; and**
- 22 **(2) the child dies as a result of the child care provider's reckless**
- 23 **supervision;**
- 24 **the child care provider commits involuntary manslaughter, a Class**
- 25 **D felony."**
- 26 Renumber all SECTIONS consecutively.
(Reference is to EHB 1232 as reprinted February 27, 2002.)

Conference Committee Report
on
Engrossed House Bill 1232

Signed by:

Representative Lawson L
Chairperson

Senator Clark

Representative Young D

Senator Young R

House Conferees

Senate Conferees